

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING,  
SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION** §  
§  
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§  
**THIS DOCUMENT RELATES TO** §  
**ALL ACTIONS** §

**MDL 1871  
2:07-md-01871-CMR  
HON. CYNTHIA M. RUFÉ**

**APPLICATION OF MARC D. GROSSMAN, ESQ. FOR THE APPOINTMENT AS TO THE  
PLAINTIFF'S STEERING COMMITTEE.**

Pursuant to Case Management Order No. 1, Marc D. Grossman respectfully files this application for appointment as a member of the Avandia Marketing, Sales Practices and Products Liability Litigation Plaintiff's Steering Committee and states the following:

**PROFESSIONAL EXPERIENCE**

Mr. Grossman himself has the time, the financial resources, the experience and the passion requisite to serving on this Steering Committee. Marc D. Grossman graduated from The University of Michigan in 1989. After completing Brooklyn Law School and Baruch Business School's J.D./M.B.A. program while interning at the Law Department of the United Nations, Mr. Grossman became an Associate and later a Partner in the law firm of Mergel, Tubman & Grossman in New York City. Mr. Grossman is also a Founding Partner and Member of Sanders and Grossman P.C., and Baker Sanders Barshay Grossman Fass Muhlstock & Neuwirth, LLC, respectively, and a Senior Partner and Member at Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C. and Sanders Viener and Grossman LLP. Since beginning his law career in 1993, Mr. Grossman founded several law firms focusing primarily on representing large groups of plaintiffs against common defendants. After six years of practicing plaintiff's personal injury in State and Federal Courts in New York and New Jersey, Mr. Grossman founded the law firm of Sanders and Grossman, P.C. in 1999 specifically to pursue claims for medical providers. This firm, and its successors, grew under his leadership. Mr. Grossman's law firms now represent thousands of medical providers litigating claims against insurance companies and employs approximately fifty attorneys and one hundred and fifty support staff. Mr. Grossman had a vision of uniting the medical

profession by affording them the opportunity to litigate nominal claims that were being written off by medical providers as uncollectible and had not previously been practical for attorneys to handle. By coordinating Discovery, utilizing the most up-to-date case management technology, recruiting top office administrators and trial attorneys, Mr. Grossman was able to greatly improve efficiencies throughout the litigation process and ultimately the viability of these claims. Mr. Grossman then garnered the attention of the insurance industry and the medical profession in New York eventually leading to a series of mass settlements on behalf of his clients and recoveries in the hundreds of millions of dollars. Mr. Grossman's experience in the mass settlement of claims makes him a valuable addition to any Steering Committee.

Mr. Grossman's Law Firms represent thousands of personal injury clients including hundreds of clients in lead paint litigations, asbestos litigations, mold litigations, and victims of defective drugs and products and currently represents approximately three-hundred Vioxx victims, Case No. 619, in the State of New Jersey, and other large groups of plaintiffs in the following matters:

- In Re: New York Bextra and Celebrex Product Liability Litigation in New York's Supreme Court, New York County;
- Case No. 273, In Re: Bextra and Celebrex Litigation, Superior Court of New Jersey, Atlantic County;
- Oxycontin Litigation in New York's Supreme Court, Richmond County;
- MDL-1708, In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation in Minnesota;
- MDL-1699, In Re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation in California;
- MDL-1742, In Re Ortho Evra Products Liability Litigation in Ohio;
- Fosamax Litigation in Superior Court of the State of New Jersey, Hunterdon County;
- MDL-1789, In Re Fosamax Products Liability Litigation in New York; and
- MDL-1804, In Re Stand 'N Seal, Products Liability Litigation where Mr. Grossman's Firm serves on the PSC.

Mr. Grossman is well known to counsel litigating their Vioxx cases in New Jersey as he has personally attended almost every Case Management Conference and every New Jersey trial since joining

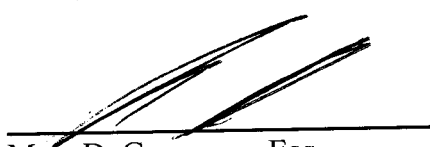
the litigation in 2005. He works extremely well with groups of attorneys. Until the recent settlement, he has also served as a liaison to the media as a member and on behalf of the Vioxx PSC's Public Relations Committee, and as a liaison for the Committee to many financial institutions and governmental agencies, offering a common voice for the hundreds of attorneys handling such cases and the tens of thousands of victims they represent. Throughout his career and in the Vioxx litigation, Mr. Grossman worked closely and well with other attorneys and is often referred to as a team player for volunteering for time consuming and difficult tasks.

To date, Mr. Grossman has been retained by over six-hundred alleged victims of Avandia, forty-nine of which are pending before this Court and many of which will be filed in the very near future. With such a large stake in this litigation, Mr. Grossman has an interest in seeing that this litigation is well organized and effectively managed. He has a willingness to dedicate substantial time to this litigation and the ability to do so. He is familiar with the Manual for Complex Litigation and understands the importance of committing to this litigation.

In addition to Mr. Grossman, many of his Partners and Associates have been involved in the above litigations and are prepared to dedicate substantial time and energy to serve on this Plaintiffs' Steering Committee, including Scope of the MDL, Sales and Marketing, and Settlement. In fact, work in this litigation has already begun through Mr. Grossman's involvement with several interim committees and his work advancing the claims of his clients.

WHEREFORE, Marc D. Grossman respectfully requests appointment to the Plaintiff's Steering Committee.

March 19, 2008




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Certificate of Service

The foregoing application has been filed electronically and is available for viewing and downloading from the ECF system. A true and correct copy of this document has been served upon each counsel of record as reflected in the Court's Service list as of March 19, 2008 by either electronic service through the ECF system or first class mail, postage prepaid.



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